



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

Nos. 04-21-00060-CR, 04-21-00061-CR

Pedro **JIMENEZ**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 399th Judicial District Court, Bexar County, Texas  
Trial Court Nos. 2019CR8610, 2018CR13315  
Honorable Frank J. Castro, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice  
Irene Rios, Justice

Delivered and Filed: May 12, 2021

DISMISSED FOR WANT OF JURISDICTION

On November 4, 2019, in related plea bargain cases, the trial court sentenced Pedro Jimenez in accordance with the plea agreements. On November 6, 2019, Jimenez filed notices of appeal. On January 7, 2020, this court ordered Jimenez to show cause why his cases should not be dismissed for want of jurisdiction. *See* TEX. R. APP. P. 25.2(a)(2). Jimenez filed no response, and on March 4, 2020, this court dismissed Jimenez's appeals for want of jurisdiction because he had no right of appeal. *See id.*; *Jimenez v. State*, No. 04-19-00802-CR, 2020 WL 1036432, at \*1 (Tex. App.—San Antonio Mar. 4, 2020, no pet.) (mem. op., not designated for publication);

*Jimenez v. State*, No. 04-19-00803-CR, 2020 WL 1036435, at \*1 (Tex. App.—San Antonio Mar. 4, 2020, no pet.) (mem. op., not designated for publication). The mandates in each appeal issued on August 19, 2020.

On January 14, 2021, Jimenez filed notices of appeal with the trial court, noting inadequate counsel, bias against the client, and breach of the plea agreement. However, the appeal is untimely, and Jimenez’s right-of-appeal status has not changed.

In general, out-of-time complaints of ineffective assistance of counsel must be referred to the Court of Criminal Appeals to obtain permission to pursue an out-of-time appeal. *See, e.g., Ex parte Florentino*, 206 S.W.3d 124, 125 (Tex. Crim. App. 2006); *see also Fontenot v. State*, No. 01-91-00910-CR, 1991 WL 235320, at \*1 (Tex. App.—Houston [1st Dist.] Nov. 14, 1991, no pet.) (mem. op., not designated for publication) (citing *Ex parte Dietzman*, 790 S.W.2d 305, 307 (Tex. Crim. App. 1990)). Without permission from the Court of Criminal Appeals, this court lacks jurisdiction to consider an out-of-time case. *See Fontenot*, 1991 WL 235320, at \*1 (citing *Shute v. State*, 744 S.W.2d 96, 97 (Tex. Crim. App. 1988)); *see also Kossie v. State*, No. 01-16-00738-CR, 2017 WL 631842, at \*1 (Tex. App.—Houston [1st Dist.] Feb. 16, 2017, no pet.) (mem. op.) (citing *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996)).

On March 22, 2021, we ordered Jimenez to show cause in writing why this appeal should not be dismissed for want of jurisdiction. We warned Appellant that if he failed to respond within the time provided, we would dismiss his appeal. To date, Jimenez has not filed any response to our March 22, 2021 order. Accordingly, we dismiss this appeal for want of jurisdiction.

PER CURIAM

DO NOT PUBLISH